

IN THE DISTRICT COURT OF THE UNITED STATES  
FOR THE MIDDLE DISTRICT OF ALABAMA  
NORTHERN DIVISION

LARRY H. MITCHELL,	)	
	)	
Plaintiff,	)	
	)	
v.	)	CIVIL ACTION NO. 2:18-CV-124-WHA
	)	
OFFICER HOOKS,	)	
	)	
Defendant.	)	

**ORDER**

On July 10, 2018, the Magistrate Judge entered a Recommendation (Doc. #13) to which no objections have been filed. Upon an independent review of the file and upon consideration of the Recommendation, it is ORDERED that:

1. The Recommendation of the Magistrate Judge is ADOPTED;
2. The defendant's motion to dismiss is GRANTED to the extent the defendant seeks dismissal of this case due to the plaintiff's failure to properly exhaust an administrative remedy available to him during his confinement at the Elmore County Jail prior to initiating this cause of action.
3. This case is dismissed with prejudice in accordance with the provisions of 42 U.S.C. § 1997e(a) for the plaintiff's failure to properly exhaust an administrative remedy previously available to him at the Elmore County Jail.
4. No costs are taxed herein.

A separate Final Judgment will be entered in accordance with this order.

DONE this 31<sup>st</sup> day of July, 2018.

/s/ W. Harold Albritton

SENIOR UNITED STATES DISTRICT JUDGE